

MMS:MRM/NJM
F. #2017R00022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

EDGARDO OCASIO,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

17M133

JASON T. ALLISON, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco and Firearms, duly appointed according to law and acting as such.

On or about December 23, 2016, within the Eastern District of New York and elsewhere, the defendant EDGARDO OCASIO, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of an employee of an automated teller machine (ATM) located in a convenience store in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Task Force Officer (“TFO”) with the Bureau of Alcohol, Tobacco and Firearms (“ATF”). I have been a TFO since 2014 and have served in the New York City Police Department (“NYPD”) in roles including detective, investigator and police officer for over 18 years. I have been involved in the investigation of numerous cases involving robberies and firearms offenses.

2. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation. Unless otherwise noted, wherever in this Affidavit I assert that a statement was made, the information was provided by another agent or law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated.

3. I and other law enforcement agents have been investigating the armed robberies of several ATM machines from various commercial locations in and around Brooklyn, New York.

4. On December 23, 2016, at approximately 8:18 p.m., two males wearing gloves and masks entered 724 Deli and Grocery (the “724 Deli”), located at 724 Liberty Avenue, Brooklyn, New York, and displayed a silver firearm to the clerk. The males then removed the ATM from the location using a hand truck and fled the location in a Honda Odyssey with a blue light over the license plate.

5. Law enforcement officers reviewed surveillance video from the 724 Deli. The video surveillance showed two males entering the 724 Deli. The first male was wearing a black hooded sweatshirt, dark pants, red shoes, a black mask, white and red gloves and was carrying a silver pistol. The second male was wearing a light colored sweatshirt, dark pants, a mask and dark colored sneakers with green trim and reflective tips. While the first male pointed the pistol at the store clerk, the second male removed the ATM from the store on a hand truck.

6. On December 23, 2016, at approximately 8:26 p.m., NYPD officers observed a gray Honda Odyssey, (hereinafter “Ocasio’s Vehicle”) with a blue light over the license plate, traveling southbound at Fountain Avenue and Blake Avenue in Brooklyn, New York. NYPD officers stopped Ocasio’s Vehicle in response to reports that a Honda Odyssey with a blue light over the license plate had recently been involved in a series of gunpoint ATM robberies. The driver of the vehicle was the defendant, EDGARDO OCASIO. The rear plate that was affixed to Ocasio’s Vehicle at that time was last associated with a 2002 Nissan Maxima. Ocasio’s Vehicle did not have a front license plate. NYPD officers determined that Ocasio’s license had been suspended and thus they arrested him.

7. At the time of his arrest, the defendant EDGARDO OCASIO was wearing a light gray hooded sweatshirt, blue work pants, a brown belt and green and gray Nike sneakers with black shoe laces, green trim and reflective tips. His clothing matched the clothing worn by the individual captured on surveillance video from the 724 Deli who had removed the ATM from that location earlier in the night.

8. After arresting the defendant EDGARDO OCASIO, NYPD officers secured Ocasio’s Vehicle and observed the following items through the vehicle’s windows: a

mask, gloves, a skull cap and license plates. Additionally, officers noticed that the rear seats of Ocasio's Vehicle were folded down.

9. On January 20, 2017, members of law enforcement interviewed the defendant EDGARDO OCASIO after he was advised of, and waived, his Miranda rights. During the course of that interview, the defendant EDGARDO OCASIO informed members of law enforcement, in sum and substance, that EDGARDO OCASIO had participated in an ATM robbery on the night that he was arrested.

WHEREFORE, your deponent respectfully requests that the defendant EDGARDO OCASIO, be dealt with according to law.


JASON T. ALLISON
Task Force Officer
ATF Joint Robbery Task Force

Sworn to before me this
10th day of February, 2017


THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK